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Docket No.: 15,287

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Irwin J. SINGER
Bryan David HAYNES

RECEIVED

DEC 16 2004

Serial No.: 09/724,622

TC 1700

Filing Date: 28 November 2000

Group No.: 1771

Examiner:
Wachtel, Alexis A.

Title: NONWOVEN FABRIC LAMINATE
WITH MELTBLOWN WEB HAVING A
GRADIENT FIBER SIZE STRUCTURE

Customer No.: 35844

REQUEST FOR RECONSIDERATION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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DEC 14 2004

TC 1700

Dear Sir:

In response to the final Office Action dated as mailed on 05 October 2004, Applicants respectfully request reconsideration of the above-identified U.S. Patent Application in view of the Amendment filed on 27 November 2002.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

12-6-04

12-6-04
Date

Signature

Maureen J. Petrus

This Patent Application has been reconsidered carefully in light of the final Office Action dated as mailed on 05 October 2004. A careful consideration of the application by the Examiner in light of the following remarks is respectfully requested.

The Examiner states at paragraph 1 of the final Office Action that Applicants' Amendment filed on **27 November 2002** has been entered and carefully considered. The Examiner alleges that the "new grounds of rejection render Applicant's arguments moot." Finally, at paragraph 3 of the final Office Action, the Examiner concludes that Applicants' Amendment necessitated the new grounds of rejection presented in the Office Action and made this action final.

However, there is no indication in the final Office Action that the Examiner even considered Applicants' Amendment filed on 27 November 2002 and the accompanying arguments. The rejection at paragraph 2 of the final Office Action is identical to the rejection under 35 U.S.C. § 103(a) contained in the previous Office Action mailed 27 August 2002 and, thus, not a "new grounds of rejection," as stated by the Examiner. Therefore, because the final Office Action contains no response to Applicants' previous Amendment and arguments regarding patentability of Applicants' claimed invention, Applicants respectfully request that the Examiner withdrawal the finality of the final Office Action and consider the subject U.S. Patent Application in view of the Amendment filed on 27 November 2002.

This response is timely filed as it is filed within the three (3) month shortened statutory period for response to the outstanding Office Action. Further, as this response is hereby filed within two (2) months of the mailing date of the outstanding Office Action, it is understood that the shortened statutory period will expire on the date the advisory action is mailed should such advisory action not be mailed until after the end of the three-month shortened statutory period.

There is no additional claim fee due for this Amendment because the total number of claims does not exceed the number of independent and dependent claims for which fees have previously been paid.

Request for Telephone Interview

Applicants kindly request the Examiner to contact the undersigned to schedule a telephone interview to discuss the merits of this Patent Application.

Amendment to the Claims

By the Amendment dated 27 November 2002, Applicants amended independent Claims 1, 17 and 19 to overcome the Examiner's rejection under 35 U.S.C. § 103. Support for this Amendment is found in the specification, for example, at page 8, line 22 through page 9, line 5; and page 10, line 11 through page 11, line